

REMARKS

By this Office Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

- Group I. Claims 1 - 15, in part, drawn to a method for treating or preventing congestive heart failure in a mammal comprising administering a polypeptide comprising an EGF-like domain, classified in class 424, subclass 198.1.
- Group II. Claims 1 and 3-16, in part, drawn to a method for treating or preventing congestive heart failure in a mammal comprising administering an expression vector encoding the polypeptide comprising an EGF-like domain, classified in class 514, subclass 44.

Responsive to the Requirement for restriction, Applicants elect to prosecute the invention of Group I, without traverse, Claims 1 - 15, in part, drawn to a method for treating or preventing congestive heart failure in a mammal comprising administering a polypeptide comprising an EGF-like domain, classified in class 424, subclass 198.1.

The Examiner has also indicated that Applicants are required to elect a specific polypeptide as recited in claim 2. Responsive thereto, Applicants elect SEQ ID NO : 2 of WO 97/09425.

The Examiner also states that Applicants are required to elect a specific disease as recited in claims 4 and 5. Responsive thereto, Applicants elect hypertension as the specific disease.

The Examiner has also indicated that Applicants are required to amend the disclosure to include material incorporated herein by reference. Responsive thereto Applicants are submitting a Substitute Sequence Listing which includes SEQ ID NO : 2 of the WO 97/09425 PCT Application as SEQ ID NO : 11 of the present invention. Also submitted herewith is an Amendment, whereby the Specification is amended to replace the previously filed Sequence Listing (filed on or about June 21, 2004) with the Substitute Sequence Listing filed herewith. A Declaration in support of the Substitute Sequence Listing is also attached.

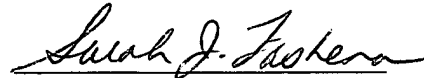
Serial No.: 10/646,268

Attorney Docket No: 1094-1-028DIV

No fees are believed to be necessitated by the foregoing Response. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

In view of the above, an early action on the merits of the Claims is courteously solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sarah J. Fashena".

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